

PARTIES

3. The Plaintiff, Tara Bryan (“Plaintiff”), is an adult individual residing in Galloway, Ohio, and is a “person” as the term is defined by 47 U.S.C. § 153(39).

4. FCA US, LLC, f/k/a Chrysler Group LLC (“FCA”), is a Michigan business entity with an address of 1000 Chrysler Drive, Auburn Hills, Michigan 48326, and is a “person” as the term is defined by 47 U.S.C. § 153(39).

5. Does 1-10 (the “Agents”) are individual agents employed by FCA and whose identities are currently unknown to Plaintiff. One or more of the Agents may be joined as parties once their identities are disclosed through discovery.

6. FCA at all times acted by and through one or more of the Agents.

FACTS

7. In April of 2018, FCA began calling Plaintiff’s cellular telephone, number 614-xxx-0632.

8. The calls were placed from telephone number 833-585-0144.

9. When Plaintiff answered the calls from FCA, she heard a prerecorded message for a person named “Michael” who is unknown to Plaintiff.

10. Plaintiff never provided her cellular telephone number to FCA and never provided her consent to FCA to be contacted on her cellular telephone.

11. Moreover, on at least six separate occasions, Plaintiff spoke with a live representative and advised FCA that she was being called in error, and as such, demanded that all calls to her cease.

12. In complete disregard of Plaintiff's cease request, FCA continued to place automated calls to Plaintiff's cellular telephone number.

COUNT I

VIOLATIONS OF THE TCPA – 47 U.S.C. § 227, ET SEQ.

13. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

14. At all times mentioned herein and within the last year, Defendants called Plaintiff on her cellular telephone using an ATDS or predictive dialer and/or by using a prerecorded or artificial voice.

15. Plaintiff never provided her cellular telephone number to Defendants and never provided her consent to be contacted on her cellular telephone.

16. Defendants continued to place automated calls to Plaintiff's cellular telephone after being advised multiple times it had the wrong number and knowing there was no consent to continue the calls. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

17. The telephone number called by Defendants was assigned to a cellular telephone service for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

18. The calls from Defendants to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

19. Each of the aforementioned calls made by Defendants constitutes a violation of the TCPA.

20. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call placed in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

21. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against Defendants:

- A. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
- B. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C);
- C. Such other and further relief as may be just and proper.

JURY TRIAL DEMANDED ON ALL COUNTS

Dated: November 7, 2018

Respectfully submitted,

By /s/ Sergei Lemberg, Esq.

Attorney for Plaintiff Tara Bryan

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